

Application No. 09/834,382
Amendment dated January 18, 2005
Reply to Office action of October 15, 2004

REMARKS / ARGUMENTS

Non-Statutory Subject Matter Rejection:

Claims 1-3 and 5 are rejected as non-statutory subject matter under 35 U.S.C. § 101. The claims are amended to recite a "computer" network as suggested by the Examiner, which suggestions are acknowledged with appreciation. The amended claims clarify the method requires use of a computer network.

Obviousness Rejection over Ojha:

Claims 6-10, 12-17, and 21-25 are withdrawn in response to an earlier restriction requirement. Claims 1-5, 11, 18-20, and 26 are rejected as obvious over Ojha (U.S. Patent 6,598,026). The rejection is respectfully traversed. There are several distinctions between the teachings of Ojha and the instant claims. Ojha's teaching is limited to a system or method of facilitating a transaction between multiple buyers and sellers via the Internet.

"According to the present invention, an electronic commerce solution is provided for facilitating online transactions which allows traditional negotiation between a buyer and a seller to occur." Ojha at column 2, lines 46-50.

In contrast, the present claims as amended teach, e.g., in one claim, a system and method for:

"1. A method of facilitating operations of a plurality of Independent Retailers ("IR's"), said method comprising: (a) communicating over a computer network from a plurality of headquarters of a chain of retail stores to their respective IR's; (b) displaying to said IR's a plurality of services for said IR's, for said IR's to select at least one service, wherein said services comprise procurement; (c) receiving over said computer network a message from at least one of said IR's to its respective headquarters showing said at least one selected service from said at least one store; and (d) serving up to said IR's said at least one selected service." (emphasis added).

Ojha is limited to buying and selling products between buyers and sellers; whereas, the instant invention recites a method and system for providing various services to independent retailers. (see, e.g., Claim 1). To further clarify the distinctions from Ojha, Claim 1 is amended to remove "service bureau". Independent Claim 18 is already so limited. Thus, the claims as amended recite communication between a company headquarters and its retail stores.

Additional distinctions between Ojha and the instant claims include that Ojha does not teach providing a plurality of services over the network. Instead Ojha is limited to purchasing transaction/ecommerce rather than use of a computer network to support management of a chain of retail stores.

Regarding Claim 3:

The rejection of Claim 3 is respectfully traversed. Claim 3 recites real-time communication. Ojha teaches communication but does not expressly teach real-time communication.

Regarding Claims 5 and 20:

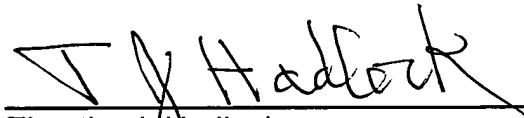
The rejection of Claims 5 and 20 are respectfully traversed. The limitations recited in Claims 5 and 20 are not merely descriptive material but instead provide additional claim elements, i.e., limitations on what services are displayed in the displaying step (b), received in the receiving step (c) and on what services are served in the serving step (d). Pursuant to the Examiners restriction requirement, Claims 5 and 20 are viewed as species of their respective independent claims and were selected by Applicants to be the initial species for examination. The recitation of providing over a network a service of, e.g., automatic replenishment and order history are not taught in Ojha. Instead Ojha is limited to teaching a single functionality, i.e., facilitating transactions between buyers and sellers. See, e.g., Ojha at column 2, lines 46-50; column 4, lines 49-51; column 6, lines 23-26; and column 7, lines 35-37.

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Conclusion:

From the foregoing, it is submitted that Applicant's claims as amended are patentable over Takeyama. Claims 1-5, 11, 18-20, and 26 are pending. Accordingly, allowance of Claims 1-5, 11, 18-20, and 26 is requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "T J Hadlock", written over a horizontal line.

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